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**DECLARATION FOR PATENT APPLICATION**

Inventor(s): Yehuda Azenkot and Selim Shlomo Flakib  
Docket No. TER-047

As a below-named inventor, I (We) heraby declare that:

My correct residence, post office address and citizenship are stated below next to my name.

I believe myself to be the original, first and sole inventor (if only one name is listed below) or an original and first joint inventor (if more than one name is listed below) of the subject matter which is disclosed and claimed and for which a patent is sought on the invention entitled: METHOD AND APPARATUS FOR AUTOMATIC RATE ADAPTATION IN A DOCSIS UPSTREAM.

The specification of this subject matter:

☒ is attached hereto.

☐ was filed on \_\_\_\_\_;

was assigned serial No. \_\_\_\_\_;

which was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified patent application, including the claims, as amended by any amendment(s) referred to above. I believe the subject matter claimed in the above-identified application to be new and to be unobvious to persons of ordinary skill in the art in view of the prior art of which I am aware. I further hereby state that the specification of the above identified patent application adequately describes how to make and use the claimed invention so as to enable one of skill in the art to practice the invention without excessive experimentation, and further that it sets forth the best mode for practicing the invention known to me as of the date that the application was filed, and that all inventors who participated in the conception of the invention are named and no person who did not participate in the conception of the invention is named as an inventor. I declare that the claimed invention has not been on sale in the United States nor in public use in the United States more than one year prior to the filing date. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56 and promise to disclose prior art that is known to me now or which becomes known to me in the future during the pendency of the application. I further acknowledge the duty to disclose information known to me to be material under 37 C.F.R. 1.56 to the examination of the claims in any continuation-in-part application filed under the conditions specified in 35 U.S.C. Section 120 which became available between the filing date of the prior application or the national or PCT International filing date and the filing date of the continuation-in-part application. I further state that if this application is a continuation-in-part application of a previous application, that any improvements in the technology of the previous application have been disclosed in this continuation-in-part application.

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I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Application No.	Country	Filing Date	Priority Claimed
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I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in these prior United States application(s) in the manner provided by 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT International filing date of this application.

Application No.	Filing Date	Status (issued, Pending, Abandoned)
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FULL NAME OF INVENTOR 1	FIRST Name YEHUDA	MIDDLE Initial(s)	LAST Name AZENKO
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FULL NAME OF INVENTOR 2	FIRST Name SELM	MIDDLE Initial(s) SHLOMO	LAST Name RAKES
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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Yehud Agur

Signature of Inventor 1

Date

fls

Signature of Inventor 2

Date